

MINUTES

ENVIRONMENTAL SERVICES / PUBLIC SAFETY / COMMUNITY ASSISTANCE COMMITTEE

February 5, 2014

A meeting of the Environmental Services / Public Safety / Community Assistance Committee of the Council of the County of Kaua'i, State of Hawai'i, was called to order by Mel Rapozo, Chair, at the Council Chambers, 4396 Rice Street, Suite 201, Līhu'e, Kaua'i, on Wednesday, February 5, 2014, at 11:15 a.m., after which the following members answered the call of the roll:

Honorable Tim Bynum
Honorable Gary L. Hooser
Honorable Ross Kagawa
Honorable JoAnn A. Yukimura
Honorable Mel Rapozo (excused 11:34 a.m.)
Honorable Mason K. Chock, Sr., Ex-Officio Member
Honorable Jay Furfaro, Ex-Officio Member

There being no objections, Bill No. 2516, Draft 1 was taken out of order.

Bill No. 2516, Draft 1 A BILL FOR AN ORDINANCE TO ESTABLISH A
NEW ARTICLE UNDER CHAPTER 22, KAUAI
COUNTY CODE 1987, AS AMENDED, ENTITLED
BARKING DOGS (This item was deferred.)

Chair Rapozo: This Bill was deferred on January 22, 2014.
For some disclosure, I need to leave at 11:30 a.m. for a personal matter. I will be back. It is a doctor's appointment that I need to get to. So, I will be back and Mr. Kagawa, the Vice Chair of the Committee, will take over the Committee in my absence. At this time is there anyone here wishing to testify from the community. We have had excessive discussion on this matter. Is anyone here from the public wishing to testify on Bill 2516, Draft 1?

LORI L. MARUGAME, Council Services Assistant: We have two (2) registered speakers.

Chair Rapozo: We have two (2) registered speakers.

There being no objections, the rules were suspended to take public comment.

Ms. Marugame: The first registered speaker is Robert Cremer, Jr., followed by Tim Asuncion.

ROBERT CREMER, JR.: For the record my name is Robert Cremer, Jr. I am not going to say we do not have a problem with barking dogs. I think we just cannot push this through like everything else you guys want to push through over here. There are certain circumstances that a guy like me is going to get rapped and I am a good dog owner. I am not saying that I am the best dog owner in the world but I take care of my animals and I make sure that they do not bark when I am present. But now if you have six (6) or seven (7) puppies in a kennel because you want to teach them to socialize, and be able to live together in a kennel till they reach a certain age to be separated and those puppies are starting to play with each other, playing tag, and barking at each other, running around in their cage, barking at each other for ten (10) minutes now what is going to happen to me? Now I pay extra to live in a farming community because in a rural environment it is not realistic for me to have eleven (11) dogs like I own. It is crazy or insane for me to live a subdivision and have eleven (11) dogs and expect my neighbor to live right next door and smell my dog poop. I am not saying it cannot be clean but it is more logistic. We need to look at the amendment and figure out a way that it will work for everybody's sake. I understand that people have a problem with barking dogs. If my dog barks in the night when somebody is sleeping I will go out there in the middle of the night in my underwear and make him be quiet because it bothers me even more because I know I am disturbing my neighbors. Do not get me wrong, I owned roosters before but what are we going to do about the roosters crowing? What is going to be next, the cow mooing in the corral because they are weaning them off in Kilauea or Princeville? We have to be realistic when we make rules. We just do not pass things and make it go through and then we have to go back like how Bill 2491 and we have to go and fix something because it is not working right. We have to all come to some kind of conclusion, sit down together, and do it. It is not about making laws, and rules, a law for a law. I can go to the toilet right now, sit on the toilet and take a dump.....I was not going to use this but not realize that I do not have toilet paper in the roll so now I have to stand up with *kūkae* on my butt, and now I have to go to the closet to get the toilet paper. You have to dot your i's and cross your t's before you do things. You just do not do it. I do not go to the toilet without making sure there is toilet paper roll in the holder, same with rules and laws. Someday you are going to tell me when I can flush my toilet because the sewer system is not up to logistics because we failed. We cannot do that. It is not about passing laws and rules. There are fine points to everything. Let us do what we need to do before we do it. Do not let the good guy suffer for the bad guy that does not care about his dog or does not care if it barks and disturbs the neighbor. As all I am asking you to do. Thank you.

Chair Rapozo:
Questions not comments.

Thank you. Any questions for Mr. Cremer?

Ms. Yukimura: Robert, thank you. I appreciate you bringing up that issue of puppies and being trained to socialize. Do you have any suggestions because we really have tried to be realistic and address issues so that good dog owners like you are not bothered or penalized in any way. Do you have

any suggestions how we could address that with an amendment or can you think about it?

Mr. Cremer: Yes, I could think about it and give a testimony but the situation is really hard. My dogs they do not bark when I go and feed but other peoples dogs will bark the whole time while he is feeding. As soon as you open the container or you are coming back to the yard that dog starts to bark because he is anticipating and he is happy he is going to eat. You go to the Humane Society it is happening everyday when they go to feed. They know it is time, they communicate like a human being.

Ms. Yukimura: If they bark for ten (10) minutes while feeding, or even for fifteen (15) minutes but it is once a day and that is the only time that they bark, I do not think that the Humane Society will find that it is a barking dog problem.

Mr. Cremer: But what about the neighbor that thinks it is? How are you going to say where the line is? You cannot have your crutch on the fence and say we are going to have a rule about dog barking and your crutch is on the fence and the rule says this but we are going to do this. We have to figure it out, that is why I am saying we have to define what it is going to be.

Ms. Yukimura: So do you feel like if we pass the barking dog ordinance, I do not know your living situation, how far your neighbors are and all of that but that your neighbors would actually try to use the barking dogs Bill, I mean have they complained to you?

Mr. Cremer: People have complained, no matter what. People will complain no matter what. Because I get irritated with some guys dogs. When I lived in another area when the guy fed his dogs the dogs barked the whole time. I got irritated. I can imagine someone who does not own a dog and moves into a farming community with a guy that owns eleven (11) dogs is going to feed his dogs. They are retired, they came from California. What is going to happen then?

Ms. Yukimura: But still, if it is only once a day...your puppy's feeding is once a day? Right, or is it twice a day that you feed them?

Mr. Cremer: Once a day, puppies would be twice a day.

Ms. Yukimura: Puppies, you are saying could make noise continuously for half an hour.....

Mr. Cremer: They will play for half an hour, tag, bark at each other, go under the house, and come back out bark at each other.

Ms. Yukimura: What kind of barking is that? Is that loud disturbing barking?

Mr. Cremer: Barking, playing. Like how they would be...animal instincts...like they are after a prey. It is the same way they will play with each other.

Ms. Yukimura: Could I come and experience it?

Mr. Cremer: I will record it for you. I will put a recorder there and you can listen to it.

Ms. Yukimura: That would be fine. Please do that.

Chair Rapozo: Any other questions? If not, thank you very much. Next speaker.

Ms. Marugame: Tim Asuncion.

Chair Rapozo: State your name for the captioner.

TIM ASUNCION: My name is Tim Asuncion and I live in Kalihiwai Rigde, Kilauea. We move in 1993, we built our house and when we built our house I moved one (1) dog because they started building the CPR shed. I just had one (1) dog and my neighbor complained. "Oh you have one (1) dog, your dog was barking all night long." So we took the dog back. Then just do happened I bought a mule and put the mule up there. Then he complained about the mule, "Oh your mule was making noise all day long, all night long." I took the mule away. Everything we did he complained. On weekends we did construction because we own a builder. The wife came over and said, "You know there is no construction on the weekends." I told her, "You need to talk to my wife, do not talk to me." Because I am already upset and I do not want anything to do with you because I do not have anything nice to say. When we moved in I brought my hunting dogs, little did they know I had hunting dogs. They started complaining, and looking into my yard. I had to build a picket fence so they could not see because they know exactly what color my dogs are. We just got irritated because they called the association, they brought me to the association and they tried to fine me but because they did not have enough evidence they could not fine me. Some people whine for the stupidest reasons. I do not think it is fair for the dog because of that situation I let my dogs out every morning. Every morning I have two (2) separate runs, I let the dogs go. The reason why I have two (2) separate runs is because the alphas do not get along. They run from half an hour to three (3) hours every morning. My dogs are the first priority. I let them all out. They are going to bark, like Robert said, they are going to bark. They are going to bark for around fifteen (15) minutes because once I start letting them all out, once they run for fifteen (15) minutes then they all calm down but then they are going to start ruff-n-tumbling, ruff-n-tumbling so that is the

point. What is the ten (10) minutes and what is the half an hour? So the dogs cannot bark at all? That is what I would like for you to redo and that is why I am here and the fines. To me the fines are too high because ten (10) years ago I use to work at Hanalei Bay Resort (HBR). Jay seen me, I use to work at HBR. When comes to the new year they would give us a raise, they would give us a raise of ten cents (10¢), ten cents (10¢) per hour. What are you going to buy with ten cents (10¢)? My friend was a certified electrician he got a raise, five cents (5¢) because he had a bad attitude. If we cannot pay the fine, we are going to surrender the dog and Ms. Cistaro, she is in charge of the Humane Society, she will take my dog and I can guarantee that fifty percent (50%) of my dogs or more are going to be put down because they do not have the time and the effort and the knowledge to take care of dog that are shy. Majority of my dogs are shy and the reason why I breed then shy are because when I go hunting, no one can steal them. When it comes to hunting dogs it takes about a year, if you do not put a pig in the pen to train dogs and you just train the dogs naturally (you take them hunting and you take them hunting and you take them hunting) it takes a year to train the dogs. So it takes a lot of time and effort.

Ms. Marugame: Three (3) minutes.

Chair Rapozo: That is your three (3) minutes.

Mr. Asuncion: That is what you call a true hunter. It teaches the young kids the value of the dog. A lot of hunters want to buy a dog because they wanted to hunt yesterday. They want catch a pig today. That is the difference.

Chair Rapozo: I need to stop you right there. Any questions for the speaker? I have a question before JoAnn. You live Kalihiwai Ridge?

Mr. Asuncion: Yes.

Chair Rapozo: That is agriculture?

Mr. Asuncion: Yes, and they said because the dog is not a agriculture animal, it is not considered as an agriculture animal...

Chair Rapozo: But you are a hunter right?

Mr. Asuncion: Yes. So what I did was put cattle hood in my dogs because cattle hood is a working ranch dog so now they cannot complain. They try and hit me at every angle. When we went to the meeting, Jon Anderton, we bought the land from him, he said "When you first bought the land you know that you are in "haoleville." So I said, "What! So you are discriminating against me?" He said, "uh..." Everybody on the board did not say one (1) word. Earl Simpson, he

passed away, he was a good man. He said, "No, no they are not discriminating." I am not stupid. I look stupid because I have brown skin but I am not stupid.

Chair Rapozo: We are going to the Bill, the barking dogs but I think we see your point. Get a pig and start a piggery. Councilmember Yukimura.

Ms. Yukimura: Tim, I just want to thank you because you have just given us a lot of stuff about hunters and you are a very consciences dog owner.

Mr. Asuncion: It is not the dog owner and it is not the dog. It is the guys that do not understand the animal. All you have to do is look at the dog and the dog will bark at you and every time the dog hears you coming from the intersection, he is going to know that you are the one that had give him the stink eye or tell him shut-up. It is as simple as that. People do not know that because they do not understand animals.

Mr. Furfaro: Tim, let me tell you something before we give the floor back. I hope you do not mind Committee Chair. You had your testimony time. You have to respond to Ms. Yukimura's comments. That is what you have to focus on.

Mr. Asuncion: I am sorry. I just get all pumped up.

Ms. Yukimura: We appreciate that you are here because I think you are giving us a real life story or view of a hunter that is very conscientious about your dogs. You said that you run your dogs in the morning, your two (2) alphas?

Mr. Asuncion: Yes, I have two (2) big runs and I let them all out but I separate the "humbug" ones because the alphas do not get along. So I separate them and let them run between half a hour and three (3) hours.

Ms. Yukimura: And that calms them down? They do not bark as much?

Mr. Asuncion: Yes, and it is their choice to go into their house. Sometimes when I have an emergency then I start calling them in.

Ms. Yukimura: After your community association ruled that there was not enough evidence are you still having problems with your neighbor?

Mr. Asuncion: No because my neighbors sold their property and someone bought in and they do not live there. They are renting to a couple who

had complaint about their dog because they were living in a residential area. So they moved next to me and they are very happy that I have dogs.

Ms. Yukimura: Thank you, Tim.

Chair Rapozo: Mr. Chair.

Mr. Furfaro: I am a non-Committee member but Tim could you tell me, you have either a protective covenant or you have a Covenants Conditions & Restrictions (CC&R) document with your lot that says what you can and cannot do. If you have a copy of that could you drop one of here for us?

Mr. Asuncion: Yes. They said that it does not matter how many dogs it is the barking. That is what they said but I can do that.

Mr. Furfaro: We had a situation where people have put restrictions on agriculture lands and Condominium Property Regime (CPRs) which they cannot.

Mr. Asuncion: At that time I called the County. The County said that I can make a kennel, I can make a breeding kennel, I can house dogs for people who go on vacation but then they try to hit you at every angle to shut you down, the association.

Mr. Furfaro: Just bring it in.

Mr. Asuncion: Do not get me wrong, there are good people on the association that did back me up.

Mr. Furfaro: Just bring in your CC&Rs. We would like to look at them to see how it affects the Bill.

Mr. Asuncion: Okay.

Chair Rapozo: Mr. Kagawa.

Mr. Kagawa: Tim, thank you for your testimony. Do you think that ten (10) minutes is unreasonable?

Mr. Asuncion: Yes. I think it is unreasonable because like I said I let my dogs go every morning and they sometimes ruff-n-tumble...

Mr. Kagawa: They ruff-n-tumble, bark for maybe how long?

Mr. Asuncion: Just for a couple of minutes off and on, off and on but I am just trying to protect myself and the reason why is because like as I said if I have to pay the fine that is a lot of money. Most of the people who have regular jobs they will surrender their dogs. And where are their dogs going? Their dogs are going to be put down at the Humane Society because they cannot tame them down, they do not have time and enough manpower.

Mr. Kagawa: Just for the public and for you, the first fine is fifty dollars (\$50).

Mr. Asuncion: I would make the twenty-five dollars (\$25) and I would make the maximum one hundred dollars (\$100). Because the hunting community are not rich people. They are just people gathering their food and they would rather hunt their food then to go buy at Foodland because they do not have enough money.

Mr. Kagawa: And it goes up. The second violation would be one hundred dollars (\$100).

Mr. Asuncion: I would make the maximum one hundred dollars (\$100) and the lowest twenty-five dollars (\$25) because only the dogs will suffer and not the dog owners.

Mr. Kagawa: Do you have any suggestion for the minutes, the incisive barking.

Mr. Asuncion: Make it twenty minutes (20).

Mr. Kagawa: Maybe ten (10) to twenty (20)?

Mr. Asuncion: Yes.

Mr. Kagawa: And what about the other one for the intermittent period of twenty (20).....

Mr. Asuncion: Make it one (1) hour. How long does it take someone to drive home to correct their mistake? To correct his mistake and put a collar on his dog. And the collars do not work for every dog. Because hunting dogs and house dogs are different. Hunting dogs can take punishment and a little shock on their neck will not mean anything.

Mr. Kagawa: I am glad you brought it up even though I did not ask it. I heard the collars really work well for the home dogs. But you are saying that for hunting dogs it does not.

Mr. Asuncion: Yes, but like I said after a while you cannot use the collars on twenty-four, seven because the dogs will figure it out. The dogs are not stupid. The guys call the dog stupid, the owner is stupid, not the dog.

Mr. Kagawa: Thank you.

Chair Rapozo: Thank you very much. Any other registered speakers? If not, is there anyone else who would like to testify on this matter? Mr. Hart. Mr. Kagawa can you take over?

Chair Rapozo, the presiding officer, relinquished Chairmanship to Mr. Kagawa.

(Chair Rapozo was noted excused at 11:34 a.m.)

BRUCE HART: My name is Bruce Hart. I am really glad I came all three (3) times so far. I do not know what is going to happen today. I really sympathize with the last two (2) fellows that spoke. Writing a Bill such as this is not easy because of the different dynamics and issues that exist in every situation. It is going to have to be on a case by case basis. When the last gentleman spoke he spoke about increasing the period of time that the dogs could be barking before it became a legal issue. Alright, but what about in the middle of the night? If it is in the middle of the night, what about if the distance between the dogs and the neighbor is twenty (20) feet as opposed to two hundred (200) feet? What about all the different issues that I had under the heading environment? At some point not being a Councilmember, I can only give my own testimony. My situation with barking dogs has been pretty much resolved. It is not perfect but then we do not live in a perfect world. I wish we did. I worked it out over a period of three (3) years with my neighbors. Three (3) years, but I finally worked it out through communication, keeping the dialogue open with my neighbor, talking with them, not making threats, not making ultimatums until finally they understood. I live in a residential area where the dogs were literally thirty (30) feet from my window and it was six (6) dogs. At the same time I sympathize and have compassion for the last two (2) speakers...this was not what I was going to do. I was going to get up and give testimony on this issue on something else but the truth is that I do not know exactly how to work it out. I know that I have sat here for many hours and watched all of you work through other problems. The only thing I can say is keep dialogue open, listen to everybody including the last two (2) fellows. They have legitimate grievances. Is it the same law in a residential area that it should be in an agricultural area? Should we address that issue? I wish I was the Councilmember so that I could sit with you and discuss all these issues and not be limited to three (3) minutes. All of this is common sense. It is something that we all are taking into consideration. We want to be compassionate to the hunters, and we want to be compassionate to the people who are in the situations like I am. I do not think that there is just a barking dog issue. Like the gentleman said, it is about chickens. It is

not going to help me any if I get rid of the barking dog issue and then the guy moves in twenty (20) chickens.

Mr. Kagawa: Sorry Mr. Hart. Your time is up. Any questions for Mr. Hart. Thank you for your testimony. Next speaker please. Please state your name even though I know it.

ANNETTE ODA: My name is Annette Oda and a couple of things. One, again, on a slightly different issue but similar in many ways. I would like to know if there was a study done. An impartial independent study done on this problem because, once again I look at it as what is the deal? What is the big problem? And where is the *aloha* among our residents? I know we have *aloha* and especially out in the country and the further out of Līhu'e for some reason...there is a lot of *aloha* in the country and so with that I know we can resolve it without a law, without an Ordinance of some sort. It never was a problem before but I also notice that there is an increase of criminal thinking and actions being done by our residence. It is not everybody. It just takes a few, just a handful such as we are taking care of a dog and someone was taking that poor dog off of his leash and letting him roam in the neighborhood and interestingly enough it did not take very long, it was a matter of an hour, half an hour before he was captured and he ended up at the Kaua'i Humane Society. Everything was done the right way, we had him licensed, he had a chip in his head so they could figure out where to locate us, actually it is my son's dog. But, no matter what we did...we had six (6) padlocks done on his...he is just a medium sized dog and we put six (6) different padlocks on his leash. There was no way that he could get out of it. But, if a human went over there and took off the leash they could easily do it. They could snap the leash and so here this poor dog, he does not know any better. He goes wondering off and thinks, "Wow, cool. I get to run around in the neighborhood." Then he gets captured again, and the fines are really meant to be abusive to us as their owners. Abusive to the dogs because the dogs do not know any better. They will do whatever on roaming. There is a lot of very evil people lately because we have had a cat, one (1) cat for many, many years because of our children. It started from a stray cat and we felt sorry for it. But we noticed the minute we ended up having a black and white cat. More black than white and you know how the superstition goes? Interestingly enough in this nice, quiet neighborhood all of a sudden she came home one day and she was blind in one (1) eye. Someone had hurt her. She was blinded for life. Another time she came home and her kittens who were also black, one (1) was fed antifreeze and I did not realize what was going to happen to her. You should have heard her excruciating screams and yowls. We did not know what was going on. We rushed her to the veterinarian and that is what they explained to us. Someone fed her antifreeze. They had to put her down.

Mr. Kagawa: Annette, your time is up. I believe that, is it in the Chinese culture cats are good luck?

Ms. Oda: Black cats?

Mr. Kagawa: Any kind of cat. I do not think it is good for people to do that to the cats because they may get some bad luck.

Ms. Oda: It is cruel.

Mr. Kagawa: Any questions for Mrs. Oda? If not, thank you for your testimony.

Ms. Oda: Is there a study going on? I would really like to know.

Mr. Kagawa: Just to provide a little of an answer. All three (3) islands, all three (3) other counties have a dog barking Ordinance. It is not to say that Kaua'i county has to follow. Follow the leader but they all have dog barking Ordinances. The language is almost the same for Big Island and Maui to our proposed ordinance. The other thing about why are we doing it is that we have a lot of complaints that come through our E-mail from people who say there are in unreasonable situations, cannot sleep, etc.

Ms. Oda: So that is why a study would suffice right? An independent study, just like the cats. Anybody can complain. It is not in our nature to complain usually, locally the local people do not usually complain. But now it is forcing us to make complaints. Forcing us to take action and that is why a study like that would pretty much suffice and rule out any evil actions of people that are more vocal than the local people. It needs to be done because this is trivial. Thank you.

Mr. Kagawa: Thank you. Next speaker please. If not, anybody else from the public wishing to speak on this issue?

Ms. Yukimura: Chair.

Mr. Kagawa: Councilmember Yukimura.

Ms. Yukimura: While the rules are suspended could we have Ms. Cistaro come up.

Mr. Kagawa: Yes. I just was checking because I thought...does anyone else want to say something about the dog ordinance? No? If not, Penny. Thank you, Penny.

PENNY CISTARO: Penny Cistaro, Executive Director of the Kaua'i Humane Society.

Ms. Yukimura: Thank you for being here. Penny, just in partial answer, at least to Ms. Oda's question, I know you gave us statistics about how many complaints come in a year, approximately on barking dogs.

Ms. Cistaro: It is approximately about one hundred fifty (150) a year when we were handling barking dog complaints. We stopped actively responding to barking dog complaints in 2012.

Ms. Yukimura: I think I am probably going to ask for a deferral today so we can work on some of the issues that were raised. I just wondered if you had any comments with respect to the issues that were raised by some of the speakers, especially the hunters?

Ms. Cistaro: I think one of the important things is to look at the process that we are proposing to put in place to deal with barking dog complaints when they come in because every situation is different and engaging the dog owner as well as the person making the complaint in trying to find a resolution. But looking at why is the dog barking? Robert Cremer's talk about his puppies playing that is a short period of time that they are puppies, that they will be playing so it is looking at each situation because nothing is black and white, it is all kind of shades of gray. Looking at puppies, they do not sit and howl incessantly while they are playing. We know that because we know dog behavior just as the hunters know their dog behavior. It is engaging with both parties to try and find a solution when there is not a barking nuisance occurring. Dogs are going to bark when people come on the property, dogs are going to bark to warn the owner that there is a trespasser, kids get off the school bus and the dogs get excited and start barking. Those are the things that we are going to be weeding through to determine is there actually a problem and how receptive is the owner to making corrections. Part of the process is giving the dog owner time to work with the problem. One of the other hunters that spoke, I think Tim, talked about running his dogs for thirty (30) minutes in the morning so that they can expend that energy and a tired dog is a quiet dog. It is getting people onboard with how to work with the animals. There will be times that we will tell the complainant, "the barking may bother you but it does not constitute a nuisance."

Ms. Yukimura: Tim seems to describe a situation in which he had a neighbor with, I guess one could argue, unrealistic expectations and a neighbor who seemed to complain about every bit of noise. In that case the problem was solved by the community association or the homeowners association who pretty much arbitrated the problem. In the case of this law, which only applies when *aloha* fails because there is a lot of situations as Robert and others have said... that he does not feel good if he thinks he is bothering his neighbor and most people do not want to bother their neighbors so neighbors will try to be considerate. That is *aloha* but when that fails either because there is a dog owner who does not care or there is a neighbor who has really different standards than a community standard then you have to have some mediator or arbitrator to resolve the conflict. So this

law is designed to take effect when *aloha* fails and your process is a process for sort of solving the problem. Is that right?

Ms. Cistaro: The process that we are proposing that goes hand in hand with the ordinance is to work with the situation on an individual basis to resolve it. If we cannot resolve it a citation would be an option if there is a valid nuisance and there is not a valid nuisance because there is an unrealistic expectation on the part of the neighbor then we would refer to mediation through the County.

Ms. Yukimura: Or the owner would have the option of a civil lawsuit, a civil nuisance lawsuit.

Ms. Cistaro: There are times when we currently get into complaint situations where it is not a valid complaint for neglect or cruelty and we learned through the process that this is a neighborhood dispute. That it is the one (1) neighbor that is bothered by everything else that is going on whether it is trash or the cars, the landscaping.

Ms. Yukimura: And there are not other neighbors who are also bothered?

Ms. Cistaro: There are times when no one else in the neighborhood is bothered except that one neighbor and so we end up trying to mitigate a neighbor dispute and that is when we pull out. That is not our role.

Ms. Yukimura: Thank you.

Mr. Kagawa: Any more questions for Penny? Penny, I would just like to thank you for the response. I asked you for feedback on the other islands, the Humane Society efforts and I want to share that. The Maui Humane Society said they had sixty-eight (68) complaints in 2013. Four (4) were resolved after the initial barking packet was sent. Thirty-four (34) were resolved, so half of them were resolve after two (2) complaints. Nine (9) more were resolved after the third complaint and two (2), were unresolved and had to go to the prosecutor's office. I want to thank you for that. It looks like pretty realistic picture, not looking like it is all perfectly good. Big Island responded with that they do about twenty (20) calls per month, so they have about two hundred forty (240) a year. They do not really have the kind of detail information like Maui because their calls go to Hilo police.

Ms. Cistaro: After the initial educational process if it continues to be a problem, they refer it out to the police department for citation.

Mr. Kagawa: I like that breakdown that Maui gave. It is more in the area that Councilmember Yukimura wanted to follow. Not so much prosecuting and fining, but more educating, and trying to get people together.

Ms. Cistaro: We have found that by coming at it from an educational approach that you can eliminate fifty to seventy percent (50% - 70%) of the problems because you work with the dog owner to resolve the barking.

Mr. Kagawa: Thank you. Are there any more questions, members?

There being no objections, the meeting was called back to order, and proceeded as follows:

Mr. Kagawa: Any comments before we take your motion to defer? Councilmember Chock.

Mr. Chock: I was able to talk to one of the testifiers who came a few weeks back, a friend of ours, the Tamuras and she was updating me on she had to go to court because her neighbor had complained incessantly and so there was a dispute but thankfully the complainer was abusing his rights there and it was found in their favor that their dogs were clear and not a nuisance so I feel the intent of this law is to, just like what Maui did here is to keep those cases out of litigation as much as possible so people like our friends, the Tamuras do not have to go through those kinds of situations. I agree with Mr. Cremer about the details. Really what this comes down to is a judgment call and to know who are those people who are making the judgment and be able to trust that they are going to be mitigate it well for our hunters and people on both sides, those who are being abused with this nuisance and those who are being abused with neighbors who just do not get it. I think there is obviously more that is coming because of the comments that comments that came today from the two (2) testifiers and I am hoping that is what we are addressing in moving towards deferral. Thank you.

Mr. Kagawa: Thank you. Any more comments?

Ms. Yukimura: Yes. I appreciate everyone who testified today and previously. The input that we have received has been helpful and the research that all of you have been doing plus the help that we have gotten from Penny and the Humane Society has been very valuable. I want to take another two (2) weeks to look once more at all of this input and see if some amendments are in order or just give us more time to think it through and hopefully at the next meeting we will take a vote.

Mr. Kagawa: Any comments? If not I would just like to say that I do oppose this Bill. I think it is premature. I would like to see more testing, more studying done first. I am not a proponent of passing Bills that do not

work and I think although the other islands have done it I need to hear results on City & County of Oahu. Their Bill is very vague, it just says nuisance. It does not say barking for how long...so if it is creating a nuisance, I do not see how the Prosecutor is doing well in those cases in the courts. But as far as Maui and the Big Island, our language is pretty similar to theirs. For Maui it seems to be working quite well. Two (2) out of sixty-eight (68) going to court, that is pretty good job by the Humane Society. I think if we can get those kinds of results here it would be good but I am hesitant to pass this Bill as is and I will look forward to the amendments. I wanted to point out that growing up in Hanapēpē Heights, we did not have much dogs around, we had a few. Twenty (20) years ago when I had my house finally ready to move into in the Waimea Valley, you do not move deep into "smokey valley" if you cannot handle some barking and some chickens crowing. There are a lot of hunters up there. If you are going to quiet them you have better be ready to catch some lumps on your head. It is just a way of living. You moving into their territory and they have a way of living and you have to be careful what you complain about because you do not want to be the complaining neighbor. I surely think we maybe can find some common ground where it is reasonable and fair. Hopefully, but at this point I still oppose the Bill. I just wanted to make that clear but I will go along with your deferral.

Ms. Yukimura: Just one more comment. I am not guaranteeing that there will be amendments but I will be looking to see if some amendments are in order.

Upon motion duly made by Councilmember Yukimura, seconded by Councilmember Bynum, and by a vote of 4:0:1 (*Committee Chair Rapozo was excused*), Bill No 2516, Draft 1 was deferred.

There being no objections, the Committee recessed at 11:57 a.m., to convene in the Public Works / Parks & Recreation Committee meeting.

The meeting was called back to order at 1:42 p.m., and proceeded on its agenda item, as shown in the following Committee Report which is incorporated herein by reference:

CR-EPC 2014-03: on EPC 2014-01 Communication (01/21/2014) from Council Chair Furfaro, requesting the presence of the County Engineer, to provide an update on the status of the Administration's efforts to address the odiferous compounds coming from the Coco Palms Sewage Pump Station at the Wailua Wastewater facility (near the entrance of the Wailua Houselots).
(Received for the Record.)

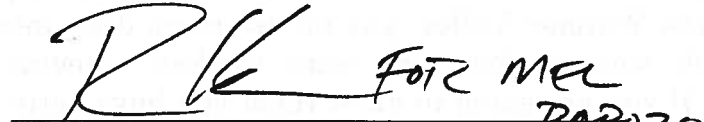
There being no further business, the meeting was adjourned at 2:09 p.m.

Respectfully submitted,



Lori L. Marugame
Council Services Assistant I

APPROVED at the Committee Meeting held on March 5, 2014:


MEL RAPOZO
CHAIR, EPC COMMITTEE